

Indiana Department of Education

Division of Exceptional Learners

### **COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1978.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	November 21, 2002
DATE OF REPORT:	December 20, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	January 7, 2003

### **COMPLAINT ISSUES:**

Whether the Maconaquah School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-25-2 by failing to identify the student as a student in need of special education and related services.

### **FINDINGS OF FACT:**

1. The student (Student) is 14 years old, attends the local middle school (School), and was determined no longer eligible for special education and related services in 1997.
2. The Complainant alleges that she was not familiar with general education or special education procedures for requesting help for the Student, and the School did not suggest options to help the Student achieve success in school. The Complainant states that the Student has not been successful in school since sixth grade, and is now failing all of his eighth grade classes with the exception of physical education.
3. The School submitted documents, explaining child find procedures, for the public to follow for students who are in need of special education and related services. These documents were made available to the public using various means, including: newspaper articles, school newspaper articles, pamphlets, and were sent to individuals and facilities that had contact with children, including: physicians, therapists, social service agencies and day care centers. The Director of Special Education stated that the Complainant would have received a copy of the procedural safeguards, explaining how to request an educational evaluation for a student, during the CCC meetings that convened while the Student was eligible for speech therapy. The Complainant does not remember specifically receiving a copy of the procedural safeguards.
4. The Student qualified for Title 1 services during first grade (1995-1996), and was eligible for speech services beginning in 1994, but was found ineligible for continued services in 1997. According to the Student's report cards (K-7), the Students grades were mostly "Cs", with "Ds and Fs" becoming more prominent in fourth through seventh grades. The comment sections of the report cards indicate that the Student has had an ongoing problem completing homework assignments, and assuming responsibility for the required work.
5. The primary school Principal submitted a letter stating that the Student did not pass the third grade ISTEP, and was offered summer school remediation. The summer school remediation report

documents that the Student completed the program successfully. The middle school principal reported that the Student did not pass the sixth grade ISTEP, and was scheduled into the enhancement (remediation) class the first semester of sixth grade. The Student was required to take the enhancement class again the second semester of seventh grade. Report cards document the Student's participation in these classes. Documentation also shows that the Student attended summer school following the end of the first and fifth grade years.

6. The Principal of the middle school submitted the following information: "Students with "Ds" and "Fs" are checked every six weeks and their progress is monitored through team meetings at the Middle School and grade level meetings at the elementary schools." The middle school counselor (Counselor) reported that she talked to the Student on several occasions, but was only able to document the following dates: November 21, and December 20, 2000; February 28, and November 19, 2001; and January 24, and October 3, 2002. The Counselor stated that the seventh grade language arts teacher met with the Complainant on September 24, 2001, and discussed the Student's progress. According to the classroom teacher's notes dated September 24, 2001, the Complainant and the School agreed that the Student showed a lack of effort with his schoolwork and would not bring school assignments home.
7. At the Complainant's request, a referral for an educational evaluation was completed on October 28, 2002. The referral documented the following areas of support as having been provided to the Student: 1) Parent-Counselor Meeting, 2) Parent-Teacher Meeting, 3) Parent Telephone Call, 4) Student-Counselor Meeting, and 5) Student-Principal meeting. On November 13, 2002, at the parent's request, the General Education Intervention team met and developed a General Education Intervention Plan for the Student pending the results of the educational evaluation.

## **CONCLUSIONS:**

1. a. Findings of Fact #2 and #3 reflect that the School made available to the public, in various ways, documents defining the procedures for referring students who are in need of special education services.
- b. Findings of Fact #4 through #7 document the School's efforts to assist the Student in achieving success in the educational environment. The School provided the Student with direct services from Title 1 in kindergarten to enhancement classes in sixth and seventh grades. The school counselor also monitored the Student due to failing grades.

Therefore, a violation of 511 IAC 7-25-2 is not found.

**The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.**